

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JACOB MENDEZ,

Plaintiff,

vs.

R. PARKHURST,

Defendant.

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No. 1:14-cv-1838-TWP-MPB

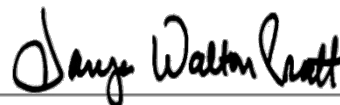
Entry Discussing Request to Proceed on Appeal *In Forma Pauperis*

The petitioner seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.*

There is no objectively reasonable argument the plaintiff could present to argue that the disposition of this action was erroneous. The notice of appeal was filed well outside the time period allowed by the *Federal Rules of Civil Procedure*. Fed. R. Civ. Pro. 4. In pursuing an appeal, therefore, the petitioner "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* [dkt. 39] is **denied**.

IT IS SO ORDERED.

Date: 9/13/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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